



Atty. Dkt. No. 053969-0129

#5

02-23-04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Takashi SAITO

Title: OPTICAL TRANSMISSION SYSTEM, MONITORING
METHOD THEREFOR, OPTICAL COMMUNICATION
APPARATUS, AND OPTICAL EXTERNAL
CONDUCTING APPARATUS

Appl. No.: 09/938735

Filing Date: 08/27/2001

Examiner: J. Chan

Art Unit: 2633

RECEIVED

FEB 20 2004

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop PATENT APPLICATION
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

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FEB 20 2004

Technology Center 2600

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed document is being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits. It is also being submitted within three months of a communication from a foreign patent office in a counterpart foreign application.

CERTIFICATION

The undersigned hereby certifies in accordance with 37 C.F.R. 1.97(e)(1) that the item listed on the Form PTO SB/08 submitted with this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement.

RELEVANCE OF EACH DOCUMENT

The relevance of the foreign-language document is described in the present specification listed document was cited by the Japanese Patent Office (JPO) in connection with a counterpart application. In reference to the cited reference, the JPO stated as follows:

Regarding the inventions relating to Claims 1 to 14

1. Japanese Unexamined Patent Application Publication H4-79549

Regarding the inventions related to Claims 2, 4, 10, 13, if multiple monitor devices can be used based on the description of Fig. 4 and of "Other light ... can monitor." on page 4, upper left column, lines 12 to 14 of Cited Literature 2, then a person skilled in the art could easily conceive of using these as 2 independent monitors.

The end

Record of Prior Art Literature Search Results

Fields searched IPC 7th Edition H04B10/08

Prior Art Literature: Japanese Unexamined Patent Application Publication H7-38506"

Full English-language translations of the foreign-language documents are not readily available. However, the absence of such translations does not relieve the PTO from its duty to consider the submitted foreign language documents (37 CFR §1.98 and MPEP §609).

Applicant respectfully requests that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date 2/19/04

By  ^{RN 38072}

FOLEY & LARDNER

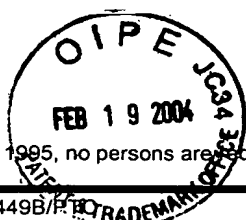
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Substitute for form 1449B/P

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Date Submitted: February 19, 2004

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	09/938735
Filing Date	08/27/2001
First Named Inventor	Takashi SAITO
Group Art Unit	2633
Examiner Name	J. Chan
Attorney Docket Number	053969-0129

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear RECEIVED FEB 20 2004 Technology Center 2600
		Number	Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A1	JP	4-79549		Fujitsu Ltd.	03-12-1992		Abstract
	A2	JP	7-38506		Toshiba KK	02-07-1995		Abstract

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.